



State of Missouri - Executive Clemency Process

Authority

The Governor's authority to grant reprieves, commutations and pardons is derived from the Constitution of Missouri, article IV, section 7. The Governor may grant reprieves, commutations and pardons, after conviction, for all offenses except treason and cases of impeachment. The Governor may impose conditions, restrictions and limitations, as deemed proper.

All applications for pardon, commutation of sentence or reprieve shall be referred to the Missouri Parole Board for investigation and recommendation to the Governor. (217.800 RSMo)

Types of Clemency

- Full Pardon – A full pardon restores all rights of citizenship and removes any disqualification or punitive collateral consequence stemming from the conviction without conditions or restrictions. A full pardon does not remove the conviction from the individual's criminal record.
- Partial Pardon – A partial pardon provides limited relief and can take a variety of forms, depending on the circumstances of each individual applicant. It does not provide the full scope of relief from punitive collateral consequences of conviction, as does a full pardon. Restoration of rights is an example of a partial pardon.
- Commutation of Sentence – This type of clemency applies to individuals serving a sentence of confinement in a correctional facility.
 - ❖ A Full Commutation releases the individual without further obligation to the state.
 - ❖ A Partial Commutation may reduce the term of a sentence to a lower level, but not release the individual from confinement, or remove restrictions attached to the sentence.
- Reprieve – A reprieve stays the execution of a sentence for a period of time and is ordinarily an act of clemency extended to a prisoner to afford an opportunity to procure modification of the sentence imposed. A reprieve cannot be granted until after a sentence has been imposed.

Punitive Collateral Consequences of Conviction

A criminal conviction involves not only statutory punishment but also entails the loss of certain civil rights and disqualifications referred to as punitive collateral consequences of conviction.

The following are punitive collateral consequences of convictions as set forth in the Missouri Revised Statutes. This is not an exhaustive list of consequences that may be encountered.

- Statutory range of punishment applicable to the offense.
- Forfeiture of public office upon conviction and until completion of the sentence. (RSMo 561.021)
- Forever disqualified from holding any public office upon conviction of a felony connected with the exercise of the right of suffrage. (RSMo 561.021)
- Forever disqualified from serving as a juror. (RSMo 561.026)
- Disqualified from voting: (RSMo 115.133)
 - while under a sentence of imprisonment,
 - while on probation or parole after conviction of a felony until final discharge from such probation or parole;
 - after conviction of a felony or misdemeanor connected with the right of suffrage.
- Firearms restrictions as set forth in U.S. Code, title 18, part I, chapter 44
- Denial of a concealed carry endorsement for individuals who have pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state, other than crimes classified as a misdemeanor that do not involve an explosive weapon, firearm, firearm silencer or gas gun. (RSMo 571.101)
- A lifetime requirement to register with the chief law enforcement officer of the county of residence for persons convicted of, found guilty of or nolo contendere to committing, or attempting to commit certain sexual offenses as outlined in RSMo 589.400.
- Denial of occupational or professional licensing.

Eligibility Criteria

Eligibility for Non-Confined Applicants

- An applicant must be fully discharged from incarceration or supervision, must be conviction free (convictions for minor traffic offenses shall not be considered), and have no pending charges (other than minor traffic offenses) for five years; or
- The applicant shall identify a punitive collateral consequence sought to be remedied by an Executive Clemency.
- The applicant cannot have been denied a request for Executive Clemency within the past five years or have an Executive Clemency pending.
- The applicant must demonstrate exhaustion of all judicial remedies (i.e. expungement, post-conviction relief, appeals, habeas corpus, etc.).
- Probation judgments in which imposition of sentence was suspended (SIS) are not eligible for Executive Clemency.

Eligibility for Confined Applicants

- Any individual confined in the Division of Adult Institutions (DAI) has the right to petition the governor for Executive Clemency if they meet the following eligibility criteria:
 - ❖ Claims innocence; or
 - ❖ Served 25+ years; or
 - ❖ Is age 70+ and has served 12+ years; and
 - ❖ all judicial remedies (i.e. expungement, post-conviction relief, appeals, habeas corpus, etc.) have been exhausted.

- The applicant cannot have been denied an Executive Clemency within the past five years. The five year time frame begins on the date the governor has denied the Executive Clemency.

Submission Requirements

Non-confined applicants must submit all of the following:

- Completed Application for Executive Clemency – Non-Confined Applicant
- Copies of all police reports and certified sentencing documents for all qualifying offense(s)
- Copy of identification (i.e. driver's license, passport, government issued identification)

If all required information is not included in the submission, the application will be returned to the applicant and not processed until all information is obtained.

Confined applicants can obtain an Application for Executive Clemency – Confined Applicant from their Institutional Parole Officer.

All completed applications should be submitted to the Missouri Parole Board, 3400 Knipp Drive, Jefferson City, MO 65109.

Investigation Process

For individuals not confined and who meet the minimum eligibility criteria, the Probation and Parole office where the applicant resides will conduct an investigation, which will include the following information:

- Reason(s) for requesting clemency, including specific punitive collateral consequences of conviction being claimed.
- Circumstances of the present offense.
- Other criminal record information (excluding non-criminal traffic and ordinance violations).
- Victim impact information
- Conduct since discharge in areas such as social, employment and financial. Significant positive achievements are noted. Testimonials from friends, employers and general references are included.
- Comments and recommendations from members of the local criminal justice community. This includes the judge, prosecuting attorney and law enforcement agency.

For confined applicants, the Parole Board will determine if existing file material is sufficient to make an informed recommendation to the Governor. If necessary, the Parole Board may order an investigation to include information such as:

- Summary of present offense and criminal history
- Institutional conduct and accomplishments while confined.
- Assessment of medical and/or mental health needs
- Statements from the prosecuting attorney, judge, defense attorney, victim

Review and Decisions

Upon receipt of the investigative report, the Missouri Parole Board reviews the information to determine an appropriate recommendation. A letter of recommendation is submitted to the

Governor, along with the investigative report and all material submitted by the applicant. The Governor will render the final decision regarding clemency.

All applicants will receive written notification of the final decision.

Frequently Asked Questions

Will a pardon expunge my record?

No. The criminal history record maintained by the Missouri State Highway Patrol will be updated to include pardon information, but it will still be maintained as an open record and will be available to the general public.

Is an Executive Clemency (pardon) the same as an expungement?

No. State law provides for expungement of a record of arrest by the circuit court in the county of arrest or a record of conviction by the sentencing court.

How long does the process take?

There is no set timeframe for completion of the clemency process and Governor decision.

Where do I send my application?

Your completed application packet should be mailed to the Missouri Parole Board, 3400 Knipp Drive, Jefferson City, MO 65109. All applications for clemency are investigated by the Parole Board and submitted to the Governor for the final decision.

Are there costs involved in filing for clemency?

There are no fees charged in this process.

Do I need an attorney to represent me?

It is not necessary that legal counsel represent you.